

# Public Document Pack

**Date of meeting** Wednesday, 12th October, 2022  
**Time** 7.00 pm  
**Venue** Queen Elizabeth II & Astley Rooms - Castle House, Barracks Road, Newcastle, Staffs. ST5 1BL  
**Contact** Denise French - 742211



**NEWCASTLE  
UNDER LYME**  
**BOROUGH COUNCIL**

Castle House  
Barracks Road  
Newcastle-under-Lyme  
Staffordshire  
ST5 1BL

## Special Meeting of the Economy & Place Scrutiny Committee

### AGENDA

#### PART 1 – OPEN AGENDA

- 1 APOLOGIES
- 2 DECLARATIONS OF INTEREST
- 3 MINUTES OF PREVIOUS MEETING (Pages 3 - 6)  
To consider the minutes of the last meeting of the Committee held on 1 September 2022.
- 4 WORK PROGRAMME (Pages 7 - 10)
- 5 PUBLIC QUESTION TIME  
Any member of the public wishing to submit a question must serve two clear days' notice, in writing, of any such question to the Borough Council.
- 6 URGENT BUSINESS - WALLEYS QUARRY ODOUR ISSUES (Pages 11 - 14)  
To consider any business which is urgent within the meaning of Section 100B (4) of the Local Government Act 1972.  
  
This item includes a supplementary report.

**Members:** Councillors Beeston, Bettley-Smith, Burnett, Edginton-Plunkett, Gorton, Grocott, Hutchison (Vice-Chair), Moffat, Panter, Skelding and G White (Chair)

**Members of the Council:** If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

**Meeting Quorum:** The meeting quorum for Scrutiny Committees is 4 of the 11 members.

**SUBSTITUTE MEMBER SCHEME** (Section B5 – Rule 2 of Constitution)

The Constitution provides for the appointment of Substitute members to attend Committees. The named Substitutes for this meeting are listed below:-

Substitute Members:	Allport	S Jones
	Crisp	Stubbs
	Dymond	J Tagg
	Fox-Hewitt	Whieldon
	Holland	S White
	D Jones	

*If you are unable to attend this meeting and wish to appoint a Substitute to attend in your place you need to:*

- Identify a Substitute member from the list above who is able to attend on your behalf
- Notify the Chairman of the Committee (at least 24 hours before the meeting is due to take place)

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

**NOTE:** THERE ARE NO FIRE DRILLS PLANNED FOR THIS EVENING SO IF THE FIRE ALARM DOES SOUND, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

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# Agenda Item 3

*Economy & Place Scrutiny Committee - 01/09/22*

## **ECONOMY & PLACE SCRUTINY COMMITTEE**

Thursday, 1st September, 2022  
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

- Present:** Councillor Gary White (Chair)
- Councillors:** Burnett                      Grocott                      Panter  
Edginton-Plunkett              Hutchison                  Skelding  
Gorton                                  Moffat
- Apologies:** Councillor(s) Beeston and Bettley-Smith
- Substitutes:** Councillor Andrew Fox-Hewitt (In place of Councillor Susan Beeston)  
Councillor Mark Holland (In place of Councillor Robert Bettley-Smith)
- Officers:** Andrew Bird                      Head of Sustainable Environment  
Denise French                              Democratic Services Team Leader  
Martin Hamilton                            Chief Executive
- Also in attendance:** Councillor Trevor Johnson              Portfolio Holder - Environment and Recycling

### 6. **DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### 7. **MINUTES OF PREVIOUS MEETING**

**Resolved:** that the minutes of the meeting held on 10 August 2022 be agreed as a correct record.

### 8. **UPDATE FROM CABINET**

There was nothing to update from cabinet.

### 9. **RECYCLING AND WASTE SERVICES**

The Portfolio Holder for Waste and Recycling introduced the report on the operation and performance of the new recycling service introduced in 2020. The borough was now the second highest performer in Staffordshire in regards to recycling and he thanked staff for their role in transforming the service.

The Head of Sustainable Environment presented the report. The new service had received positive feedback from residents; the streets looked tidier; tonnage volumes of recycling had increased and the overall volume of waste had decreased. The

## ***Economy & Place Scrutiny Committee - 01/09/22***

number of missed collections had reduced and the quality of recycled materials was high.

The aims for the future were, in the short term, to increase separate food waste collections, enhance provision of services for those residents living in flats and look at options for participation in recycling by commercial and business properties. In the longer term the implications of the Environment Act 2021 were outlined:

- The Office for Environmental Protection (OEP) would be set up whose role included holding the government to account on environmental issues.
- Producers would become responsible for the full net costs of their products after they had been used for their primary purpose.
- Introduction of a deposit return scheme for single use drink containers.
- Charges for single use plastics.
- Separation of waste requirements.

It was noted that the council's current recycling and food waste collection service met the requirements in the Act.

Members raised queries and issues as follows:

- Waste collection staff were thanked for their work particularly during the recent hot weather
- What was the budget impact from the new service? The committee was informed that a small saving had been made in 2021-22, this was partly due to high prices being paid for materials which was also a result of the high quality of materials being collected.
- Were there any plans to introduce electric vehicles? Members were advised that costs for electric vehicles were double that of diesel. The council was in discussion with Keele University around their hydrogen production facility as this appeared to be a better option than electric. A report was going to Cabinet on 6 September seeking approval for a trial use of Hydrotreated Vegetable Oil (HVO), a renewable diesel alternative, for the Council's HGV fleet operating in the Recycling & Waste and Street Cleansing operations.
- Was the amount of food waste that was collected a disappointing amount (2%)? In response, this was not seen as necessarily disappointing; once people had to separate out food waste it was apparent how much food was wasted which could then lead to greater awareness and less waste. There would also be a proportion of households who composted food waste.
- Was data collected on household participation in food waste collection? Members were told that information was collected on the number of households per street and specific measures would be looked at to identify reasons why certain areas had low take up.
- It was important to enable flat dwellers to recycle even though difficulties were recognised.
- Were there measures to address fly tipping? The committee was informed the legislation was helpful in this regard and more options would be available to local authorities but further detail was awaited.
- The focus on producer responsibility was welcomed. The Head of Sustainable Environment reported that he was part of Defra's Advisory Committee on packaging which included representatives of the supply chain; producers were willing to change their methods.
- Were there particular reasons for missed collections? In response, these could include access difficulties, operatives not seeing the food waste caddy if it was tucked beside another bin or during dark mornings or evenings, agency workers who were unfamiliar with routes. The Team Leader would mark any property where no collection had taken place.

- Was there any impact of the garden waste charges? The committee was advised that levels were around 80-90% of pre charge levels, there had been less garden waste produced overall this year due to the exceptionally hot weather. The quality of garden waste had improved since charges were introduced.
- Some Councillors held a stock of recycling bags for residents which was a good way to encourage and promote recycling.

**Resolved:** that

- (a) The update be noted;
- (b) Cabinet be recommended, at the appropriate time as guided by the Executive Director for Sustainability, to arrange for an all Member briefing to be given on the key points in the presentation; and
- (c) Thanks be recorded to all staff involved in the waste and recycling service for an excellent service.

[Click here to watch the debate](#)

10. **FUTURE HIGH STREET FUND AND TOWN DEALS FOR KIDSGROVE AND NEWCASTLE UNDER LYME**

The Portfolio Holder for Waste and Recycling introduced the regular update on the Future High Street Fund and Town Deals for Kidsgrove and Newcastle under Lyme.

The Chief Executive presented an update:

(a) Future High Street Fund:

- Ryecroft site – the Civic Offices had been demolished. The scheme comprised 5 elements – multi-storey car park; 100 bed hotel; 90 residential units for the over 55s; new office headquarters for Aspire Housing; and public open space. The car park, residential units and office accommodation would be subject to planning permission. The demolition had seen the reuse of around 90% of the product (excluding any asbestos)
- York Place – Wilmott Dixon had been appointed to support the delivery which would include ground floor retail, leisure and restaurant units with office space above. Planning permission was yet to be sought.

(b) Town Deals:

- Kidsgrove - £16.9m funding had been received for 5 projects – Kidsgrove Sports Centre (now fully open); Chatterley Valley; railway station improvements; canal enhancements; and a shared services hub. There had also been advanced funding which had delivered the pump track and 3G pitches.
- Newcastle under Lyme - £23.6m had been received for 9 projects of which 8 had been approved – Knutton Masterplan works were progressing; Cross Street Chesterton had progressed to a feasibility study for the next stage; walking and cycling routes were being delivered by Staffordshire County Council; key gateway sites – the Zanzibar site was progressing towards seeking planning permission, the Midway car park scheme was waiting the multi-storey car park at Ryecroft; the deadline for the business case for the Performing Arts Centre was December 2022; the digital project was progressing and was being led by Keele University to enhance digital skills; GB broadband and EV charging points – both schemes were being progressed.

Members raised queries and points as follows:

## **Economy & Place Scrutiny Committee - 01/09/22**

- There was good feedback on Kidsgrove Sports Centre which had exceeded membership targets.
- The lifts at the Kidsgrove station were welcomed.
- What input did the Borough Council have regarding cycling routes? This scheme would be led by the County Council but the Borough Council would be involved.
- Town Centre schemes at Ryecroft and York Place needed to ensure an effective blend of modern with the existing traditional design. This was accepted, the new buildings and infrastructure would complement and be in character with existing.
- What safeguards were in place with regards to rising inflation? The committee was informed that proposals and costs were being worked on and additional funds may be needed; value engineering would also take place. The Ryecroft site had a robust scheme with a mix of projects which was important from a financial perspective.
- Residents still raised concern about Newcastle town centre with empty units and lack of variety. How much awareness was there of the above projects among the public, could there be improved communications. The Chief Executive responded that more communication could be undertaken now there was certainty of some of the schemes. The environment of the town centre was much improved due to the Town Ranger and the positive impact of strategies to deal with rough sitters and rough sleepers. There was an improved Police presence in the town especially in the early mornings.

**Resolved:** that:

(a) The update be noted.

(b) That Cabinet be recommended to put in place wider ranging communications to ensure as many people as possible are aware of the improvements that the Newcastle under Lyme Future High Streets Fund and Town Deal will deliver.

[Click here to watch the debate](#)

### **11. WORK PROGRAMME**

The committee discussed the work programme. Members referenced the presentation by the BID Manager earlier in the year and mention of the 'safe space' scheme. It was suggested an update would be useful. It was agreed that this could be a wider update and include promotion of the town centre as discussed under the previous item.

**Resolved:** that the next meeting include an item on the strategic management of the town centre including promotion of the town centre current and future offer.

### **12. PUBLIC QUESTION TIME**

There were no members of the public present.

### **13. URGENT BUSINESS**

There was no urgent business.

**Councillor Gary White  
Chair**

Meeting concluded at 8.29 pm

ECONOMY AND PLACE SCRUTINY COMMITTEE

Work Programme 2022-2026

Chair: Councillor Gary White

Vice-Chair: Councillor David Hutchison

Members: Susan Beeston, Robert Betley-Smith, Gillian Burnett, Joel Edgington-Plunkett, Richard Gorton, David Grocott, Sue Moffat, Barry Panter, Craig Skelding

Portfolio Holders covering the Committee's remit:

Councillor Sweeney – Finance, Town Centres and Growth

Councillor Johnson - Cabinet Member – Environment and Recycling

Councillor Fear - Cabinet Member – Strategic Planning



This committee scrutinises how the council influences, affects and interacts with the natural and built environment. It also scrutinises how the council influences, affects and interacts with the local, regional and national economy.

The core Work Programme is determined at the beginning of the municipal year. Issues can be added throughout the year with the Chair's approval or where a new priority area comes to the Committee's attention.

For more information on the Committee or its work Programme please contact Denise French on 01782 742211 or at [denise.french@newcastle-staffs.gov.uk](mailto:denise.french@newcastle-staffs.gov.uk)

DATE OF MEETING	ITEM	BACKGROUND/OBJECTIVES
15 June 2022	HS2 – look ahead to the next 12 months on works impacting on the Borough Sustainable Environment Strategy, Action Plan	Requested by the Chair  Regular update as requested by the Committee

Classification: NULBC **UNCLASSIFIED**

	<p>Future High Streets Fund update &amp; Town Investment Plans for Newcastle and Kidsgrove – update on progress</p> <p>Borough Local Plan</p> <p>Police presence in the town centre</p>	<p>Regular update</p> <p>Requested by the Committee following the presentation by the BID Manager</p>
1 August 2022	Borough Local Plan Call-In	To deal with a Call-In
1 September 2022	Recycling and Waste Services Update – Town Centre Impact Future High Streets Fund and Town Deals for Kidsgrove and Newcastle under Lyme	Regular update
12 December 2022	Strategic management of the Town Centre Future High Streets Fund and Town Deals for Kidsgrove and Newcastle under Lyme	Requested by the committee. Regular update
16 March 2023		
8 June 2023		
21 September 2023		
7 December 2023		
18 March 2024		
20 June 2024		
12 September 2024		
9 December 2024		
13 March 2025		
19 June 2025		

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11 September 2025		
8 December 2025		
19 March 2026		
17 June 2026		

September 2022

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## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

### EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Economy and Place Scrutiny Committee  
12 October 2022

**Report Title:** Walley's Quarry Odour Issues

**Submitted by:** Chief Executive

**Portfolios:** Environment & Recycling; One Council, People & Partnerships;

**Ward(s) affected:** All

#### Purpose of the Report

To provide all members with an opportunity to receive an update and ask questions about the settlement reached in the litigation between the Council and Walleys Quarry Limited.

#### Recommendation

**That the members note the report and the content of the Chief Executive's presentation.**

#### Reasons

To ensure the members are kept updated and have an early opportunity to ask questions about the settlement reached.

### 1. Background

- 1.1 There have been numerous reports to committees, cabinet and full council regarding the ongoing odour issues from Walley's Quarry.
- 1.2 In response to community concerns, the Council served an Abatement Notice on Walleys Quarry Ltd (WQL) on 13 August 2021 requiring them to abate the nuisance within five months. The company appealed the notice triggering a legal process to establish whether or not the notice was valid, with a four-week trial scheduled to start at the end of October this year.

### 2. Issues

- 2.1 Whilst preparing its case for the four-week trial, the Council and WQL had been exploring whether the case could be settled through a mediation process instead. The courts will expect parties to litigation to seek to settle the case as an alternative to court proceedings if at all possible.
- 2.2 In line with that expectation, the parties met in September in a mediation process guided by a former Supreme Court Judge. The parties were able to reach an agreement which was, on 6 October 2022, approved by the Judge who was due to hold the four-week trial. As a result of approving the settlement reached, the judge has issued an Order which upholds the Abatement Notice that the council issued (with one minor amendment), and dismisses WQL's appeal. The four-week trial has therefore been cancelled.
- 2.3 This settlement means that an Abatement Notice is now in place requiring WQL to abate the odour nuisance off site, and to prevent a re-occurrence of a Statutory Nuisance.

There are also a number of other outcomes in place including improved access to information for the Council and Community. More information on the settlement reached is available here:-

<https://www.newcastle-staffs.gov.uk/walleys-quarry/resolving-odour-issues-walleys-quarry>

### 3. **Proposal**

3.1 That the members note the report and the content of the Chief Executive's presentation.

### 4. **Reasons for Proposed Solution**

4.1 To ensure the committee is kept updated on the latest developments regarding the problem odours associated with Walley's Quarry.

### 5. **Options Considered**

5.1 None

### 6. **Legal and Statutory Implications**

6.1 Part III of the Environmental Protection Act 1990 is the legislation concerned with statutory nuisances in law. This is the principal piece of legislation covering the Council's duties and responsibilities in respect of issues relating to odour nuisance:-

- The Environmental Protection Act 1990, section 79 sets out the law in relation to statutory nuisance. This is the principal piece of legislation covering the Council's duties and responsibilities in respect of issues relating to odour nuisance.
- The relevant part of Section 79 defines a statutory nuisance as any smell or other effluvia arising on industrial, trade or business premises which is prejudicial to health of a nuisance. The Council is responsible for undertaking inspections and responding to complaints to determine whether or not a statutory nuisance exists.
- Where a statutory nuisance is identified or considered likely to arise or recur, section 80 of the Act requires that an abatement notice is served on those responsible for the nuisance. The abatement notice can either prohibit or restrict the nuisance and may require works to be undertaken by a specified date(s).
- There is a right of appeal against any abatement notice issued on a number of grounds, one of which is that the site operator is using "best available techniques" to prevent the odours complained of. Compliance with the Environmental Permit issues by the Environment Agency, and any actions required by the Environment Agency will often be sufficient to demonstrate that an operator is using "best available techniques" and that can result in an abatement notice being quashed on appeal.
- The appeal process represents a significant resource commitment for the council in both time and expense, so it is important for the Council to be content that it stands a reasonable prospect of defending an appeal against any abatement notice that it issues.
- Now the council has succeeded in securing an abatement notice, it is a criminal offence to breach the terms of the abatement notice. Because the site is regulated by the

Environment Agency under an Environmental Permit, the council would need to obtain the consent of the Secretary of State before it is able to prosecute any offence of breaching an abatement notice.

7. **Equality Impact Assessment**

7.1 The work of the Council in this regard recognises that the problematic odours in the area may impact on some groups more than others. The work is focussed on removing this impact as soon as possible.

8. **Financial and Resource Implications**

8.1 None directly arising from this report.

9. **Major Risks**

9.1 There are no new risks beyond those explored in previous reports.

10. **UN Sustainable Development Goals (UNSDG)**



11. **Key Decision Information**

11.1 This is not a key decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 This matter has been variously considered previously by Economy, Environment & Place Scrutiny Committee, Health, Wellbeing and Environment Scrutiny Committee, Council and Cabinet on 21 April 2021, 9th June 2021, 7th July 2021, 21st July 2021, 8th September 2021, 13th October 2021, 3rd November 2021, 17th November, 1st December 2021, 12th January 2022, 2nd February 2022, 23rd February 2022, 23rd March 2022, 20th April 2022, 7th June 2022, 19th July 2022, 5 September 2022 and 6 September 2022.

13. **List of Appendices**

13.1 None

14. **Background Papers**

14.1 N/A.

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